

**AMENDMENTS TO THE DRAWINGS:**

The Applicants respectfully present herewith replacement Fig. 7(b), which includes the desired changes, without markings, and which complies with 37 C.F.R. §1.84. The changes made to Fig. 7(b) are explained in the accompanying remarks section below.

## **REMARKS**

The Office Action dated March 22, 2007, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto.

By this Amendment, the drawings have been amended. Claims 1-17 are pending. Claims 5, 7, 9-11 and 16-17 were withdrawn from consideration pursuant to an Election of Species Requirement dated March 7, 2007. Accordingly, claims 1-4, 6, 8 and 12-15 are respectfully submitted for consideration.

### **Objection to the Drawings**

The drawings were objected to because Figure 7(b) included a phrase that was not in English. The Applicants have amended Figure 7(b) and provide herewith a replacement sheet showing the phrase changed to the English language. No new matter is presented. The Applicants respectfully request withdrawal of the objection to the drawings.

### **Rejection Under 35 U.S.C. § 102**

Claims 1-3 and 12-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Walker et al. (U.S. Patent No. 5,794,207, "Walker"). Claims 2 and 3 depend from claim 1 and claims 13 and 14 depend from claim 12. The Applicants traverse the rejection and respectfully submit that claims 1-3 and 12-14 recite subject matter that is neither disclosed nor suggested by Walker.

Claim 1 recites a system for determining overall capability of a trading partner, in a bidding system with which trading partners present their bidding prices via a network, in response to a matter presented by a buyer company, comprising a trading partner

database for storing data representing capabilities of the trading partners, in numerical form. A controller is arranged to read the data on the trading partners represented in numerical form, from the trading partner database, on receiving the bidding prices and to select a trading partner or trading partners for the matter, based on the bidding prices and the data represented in numerical form.

Claim 12 recites a method for comprehensively determining a trading partner by a system comprising a database storing data representing capabilities of trading partners, in numerical form and a controller, the method comprising the following steps performed by the controller: receiving bidding prices from the trading partners; reading data on the trading partners, in numerical form, from the trading partner database; and selecting a trading partner or trading partners for the matter based on the received bidding prices and the read data represented in numerical form.

Walker discloses a method and apparatus for effectuating bilateral buyer-driven commerce. Walker allows prospective buyers of goods and services to communicate a binding purchase offer globally to potential sellers, for sellers conveniently to search for relevant buyer purchase offers, and for sellers potentially to bind a buyer to a contract based on the buyer's purchase offer. The apparatus of Walker includes a controller which receives binding purchase offers from prospective buyers. See the Abstract of Walker.

The Applicants respectfully submit that Walker fails to disclose or suggest the claimed features of the invention. In particular, Walker does not disclose or suggest a trading partner database for storing data representing capabilities of the trading partners, in numerical form. In contrast, Walker discloses a seller database 260 that

maintains data on sellers with fields such as name, contact information, public/private key information, payment preferences, type of business, and goods sold. See column 13, lines 10-13 of Walker. Upon registration, in Walker the seller may be required to demonstrate evidence of ability to deliver on bound CPOs 100. See column 13, lines 17-19 of Walker. There is no disclosure or suggestion in Walker that the seller database 260 stores data representing capabilities of trading partners in numerical form. The Office Action asserted that column 16, lines 29-43 and column 19, lines 18-21 of Walker disclose this feature of the invention. In contrast, column 16, lines 29-43 discloses that the CPO 100 has conditions that could be given a point value and that the buyer may indicate how many points each condition is worth. A buyer's required conditions being translated into a point value in Walker are not comparable to a database storing data in numerical form. There is no disclosure or suggestion in Walker of a database that stores data representing capabilities of trading partners in numerical form. As such, the Applicants respectfully submit that Walker does not disclose or suggest the features of the invention as recited in claims 1 and 12.

To qualify as prior art under 35 U.S.C. § 102, each and every feature recited in a rejected claim must be disclosed by the applied art. Accordingly, Walker does not anticipate claims 1 and 12, nor are claims 1 and 12 obvious in view of Walker. Therefore, the Applicants submit that claims 1 and 12 are allowable over Walker.

#### **Rejection Under 35 U.S.C. § 103**

Claims 4, 6, 8 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of Chaves (U.S. Patent Publication

No. 2001/0044769 A1). Claims 4, 6 and 8 depend from claim 1 and claim 15 depends from claim 12.

The Applicants respectfully submit that Chaves is not a proper reference to apply against the claims in this application. The present application was filed in the United States on March 6, 2002, and claims priority to Japanese Patent Application No. 2000-170478 filed on June 7, 2000. As such, the effective U.S. filing date of the present invention is June 7, 2000.

Chaves was filed in the United States on March 2, 2001, and published on November 22, 2001, both dates being after the effective U.S. filing date of the present application. Although Chaves claims priority to U.S. Provisional Application No. 60/187,164, filed on March 6, 2000, there is no support in the provisional application of Chaves for the features relied on in making the rejection of claims 4, 6, 8 and 15. Specifically, the paragraphs containing the details relied on for the rejection of claims 4, 6, 8 and 15 are not present in the provisional application. As such, the Applicants respectfully submit that Chaves is not a proper reference to apply against the claims in this application.

In response to this rejection, Applicants submit herewith a verified translation of the certified copy of the foreign priority application for claiming the benefit of filing date thereof with a statement that this translation is accurate. The Applicants therefore rely upon their foreign priority to overcome this rejection. This application should be entitled to the benefit of the filing date of the foreign priority application under 35 U.S.C. § 119 and 37 C.F.R. § 1.55 and the withdrawal of this rejection is respectfully requested.


## **Conclusion**

The Applicants respectfully submit that claims 1 and 12 are allowable. Claims 2-4, 6 and 8 depend from claim 1 and claims 13-15 depend from claim 12. The Applicants further submit that each of these claims incorporate the patentable aspects thereof, and are therefore allowable for at least the same reasons as discussed above. Accordingly, the Applicants respectfully request withdrawal of the objections and rejections, allowance of claims 1-4, 6, 8 and 12-15 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 108426-00013.**

Respectfully submitted,



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Enclosures: Replacement Sheet for Fig. 7(b)  
Verified Translation of Priority Document